

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

LOCAL 8027, AFT-NEW HAMPSHIRE, AFL-CIO, RYAN
RICHMAN, JOHN DUBE and JOCEYLN MERRILL,
teachers in the New Hampshire Public Schools, and
KIMBERLY GREEN ELLIOTT and MEGHAN EVELYN
DURDEN, parents or guardians of children in the New
Hampshire public schools.

Plaintiffs,

v.

FRANK EDELBLUT, in his Official Capacity as
Commissioner of the DEPARTMENT OF EDUCATION
("DOE"), CHRISTIAN KIM in his Official Capacity as the
Chair of the NEW HAMPSHIRE COMMISSION ON
HUMAN RIGHTS, and JOHN FOMELLA in his Official
Capacity as ATTORNEY GENERAL of the State of New
Hampshire.

Defendants.

-

ANDRES MEJIA,
CHRISTINA KIM PHILIBOTTE, and
NATIONAL EDUCATION ASSOCIATION-NEW
HAMPSHIRE,

Plaintiffs,

v.

FRANK EDELBLUT, in his official capacity only as the
Commissioner of the New Hampshire Department of
Education,

JOHN M. FORMELLA, in his official capacity only as the
Attorney General of the State of New Hampshire,

AHNI MALACHI, in her official capacity only as the
Executive Director of the New Hampshire Commission for
Human Rights,

CHRISTIAN KIM, in his official capacity
only as the Chair of the New Hampshire Commission for
Human Rights,

KEN MERRIFIELD, in his official capacity only as the
Commissioner of the Department of Labor,

Defendants.

Civil No. 1:21-cv-01077-PB

**THE PARTIES' ERRATUM REGARDING THEIR JOINT MOTION TO
EXTEND DEADLINES ESTABLISHED IN THE COURT'S FEBRUARY 15, 2023 ORAL
ORDER AND FEBRUARY 21, 2023 ORDER**

The parties, through counsel, submit this erratum to their Joint Motion to Extend Deadlines in this matter, which the Court granted on May 24, 2023. In the parties' May 22, 2023 Joint Motion, the parties' asked that their simultaneous objections to the respective cross-motions for summary judgment be changed from July 10, 2023, to **August 11, 2023**. However, the then-deadline for the parties' simultaneous objections to the respective cross-motions for summary judgment was July 19, 2022, not July 10, 2022.

Respectfully Submitted,

/s/ Peter J. Perroni
NOLAN PERRONI PC
NH Bar. No. 16250
73 Princeton Street
North Chelmsford, MA 01863
(978) 454-3800
peter@nolanperroni.com

STROOCK & STROOCK & LAVAN LLP
Charles G. Moerdler, Esq.*
David J. Kahne, Esq.*
Elizabeth Milburn, Esq.*
180 Maiden Lane
New York, New York 10038
(212) 806-5400
cmoerdler@stroock.com

SELENDY & GAY PLLC
Faith Gay, Esq.*
1290 6th Avenue
New York, NY 10104
(212) 390-9000
fgay@selendygay.com

*Co-Counsel for Local 8027, AFT-New
Hampshire, AFL-CIO, Ryan Richman,
John Dube and Jocelyn Merrill,
teachers in the New Hampshire Public Schools,
and Kimberly Green Elliot and Meghan Evelyn
Durden parents or guardians of children in the
New Hampshire public schools,*

/s/ Gilles R. Bissonnette

Gilles R. Bissonnette (N.H. Bar. No. 265393)

Henry R. Klementowicz (N.H. Bar No.
21177)

SangYeob Kim (N.H. Bar No. 266657)
AMERICAN CIVIL LIBERTIES UNION OF NEW
HAMPSHIRE

18 Low Avenue, Concord, NH 03301

Tel. 603.224.5591

gilles@aclu-nh.org

/s/ Chris Erchull

Chris Erchull (N.H. Bar No. 266733)

GLBTQ LEGAL ADVOCATES & DEFENDERS

18 Tremont, Suite 950

Boston, MA 02108

Tel.: 617.426.1350

cerchull@glad.org

/s/ Morgan C. Nighan

Morgan C. Nighan (N.H. Bar No. 21196)

NIXON PEABODY LLP

Exchange Place

53 State Street

Boston, MA 02109-2835

Tel.: 617.345.1031

mnighan@nixonpeabody.com

/s/ David A. Vicinanzo

David A. Vicinanzo (N.H. Bar No. 9403)

NIXON PEABODY LLP

900 Elm Street, 14th Floor

Manchester, NH 03101

Tel.: 603.628.4000

dvicinanzo@nixonpeabody.com

Jennifer Eber (N.H. Bar No. 8775)

DISABILITY RIGHTS CENTER-NEW HAMPSHIRE

64 N Main St, Ste 2

Concord, NH 03301-4913

Tel.: 603.228.0432

Sarahj@drcnh.org

Travis Hill*

NIXON PEABODY LLP

55 West 46th Street

New York, NY 10036-4120

Tel.: 212.940.3131

thill@nixonpeabody.com

William E. Christie (N.H. Bar No. 11255)

S. Amy Spencer (N.H. Bar No. 266617)

SHAHEEN & GORDON, P.A.

107 Storrs Street

P.O. Box 2703

Concord, NH 03302

Tel.: 603.225.7262

wchristie@shaheengordon.com

saspencer@shaheengordon.com

Emerson Sykes*

Speech, Privacy, and Technology Project

Leah Watson*

Sarah Hinger*

Racial Justice Program

AMERICAN CIVIL LIBERTIES UNION

FOUNDATION

125 Broad Street, 18th Floor

New York, NY 10004

Tel.: 212.549.2500

esykes@aclu.org

lwatson@aclu.org

shinger@aclu.org

*Co-counsel for Plaintiffs Andres Mejia and
Christina Kim Philibotte*

/s/ Gilles R. Bissonnette

Gilles R. Bissonnette (N.H. Bar. No. 265393)

Henry R. Klementowicz (N.H. Bar No.
21177)

SangYeob Kim (N.H. Bar No. 266657)

AMERICAN CIVIL LIBERTIES UNION OF NEW
HAMPSHIRE

18 Low Avenue, Concord, NH 03301

Tel. 603.224.5591

gilles@aclu-nh.org

/s/ Morgan C. Nighan

Morgan C. Nighan (N.H. Bar No. 21196)

NIXON PEABODY LLP

Exchange Place

53 State Street

Boston, MA 02109-2835

Tel.: 617.345.1031

mnighan@nixonpeabody.com

/s/ Jason Walta

Alice O'Brien*

Jason Walta*

NATIONAL EDUCATION ASSOCIATION

1201 Sixteenth St. NW

Washington, DC 20036

Tel: 202.822.7035

aobrien@nea.org

jwalta@nea.org

Esther K. Dickinson (N.H. Bar No. 20764)

Lauren Snow Chadwick (N.H. Bar No.
20288)

Staff Attorneys

NATIONAL EDUCATION ASSOCIATION-

NEW HAMPSHIRE

9 South Spring Street

Concord, NH 03301-2425

Tel.: 603.224.7751

edickinson@nhnea.org

lchadwick@nhnea.org

Nathan R. Fennessy (N.H. Bar No. 264672)

PRETI FLAHERTY BELIVEAU & PACHIOS LLP

57 North Main Street

Concord, NH 03301

Tel.: 603.410.1500

rtoland@preti.com

/s/ Gilles R. Bissonnette

Gilles R. Bissonnette (N.H. Bar. No. 265393)

Henry R. Klementowicz (N.H. Bar No.

21177)

SangYeob Kim (N.H. Bar No. 266657)

AMERICAN CIVIL LIBERTIES UNION OF NEW

HAMPSHIRE

18 Low Avenue, Concord, NH 03301

Tel. 603.224.5591

gilles@aclu-nh.org

/s/ Morgan C. Nighan

Morgan C. Nighan (N.H. Bar No. 21196)

NIXON PEABODY LLP

Exchange Place

53 State Street

Boston, MA 02109-2835

Tel.: 617.345.1031

mnighan@nixonpeabody.com

Co-Counsel for National Education Association-New Hampshire

*Admitted *pro hac vice*.

Frank Edelblut, Commissioner, New Hampshire Department of Education,
Christian Kim, Chair of the New Hampshire Commission on Human Rights,
John M. Formella, Attorney General of the State of New Hampshire,
Ahni Malachi, Executive Director of the New Hampshire Commission on Human Rights,
Ken Merrifield, New Hampshire Department of Labor,

By their attorneys,

John M. Formella
Attorney General

/s/ Nathan W. Kenison-Marvin

Samuel Garland (N.H. Bar No. 266273)

Nathan W. Kenison-Marvin (N.H. Bar No. 270162)

N.H. Department of Justice

Civil Bureau

33 Capitol Street

Concord, NH 03301

Tel. 603.271.3658

samuel.garland@doj.nh.gov

nathan.w.kenison-marvin@doj.nh.gov

May 22, 2023